

	WOODBIDGE TOWNSHIP POLICE DEPARTMENT Policy & Procedures INTERVIEW & INTERROGATION		
	Chapter: 100	Volume One: Law Enforcement Role & Responsibilities	
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LEGAL REFERENCES: Miranda v. Arizona 384 US 436, 86S.Ct. 1602 (1966), State v. Reed 133 NJ 237. State v. Hampton, 61 NJ 250 (1972) and State v. Melvin, 65 NJ 1 (1974), Terry v. Ohio, M.C.P.O. Policy 4A			
ACCREDITATION STANDARDS REFERENCES: 1.2.3, 41.2.4, 42.2.1			

100.1 POLICY & PURPOSE:

100.1.1

POLICY: It shall be the policy of The Woodbridge Police Department to uphold and protect the constitutional rights of all individuals who are arrested by this agency. All officers shall ensure that the protections guaranteed by the United States Constitution, particularly those related to interview and interrogations, and access to counsel, are not abridged. All individuals must be treated with respect, dignity, and impartiality.

100.1.2

PURPOSE: Lawfully obtained admissions and confessions continue to play an integral role in law enforcement investigations. All officers of this agency must be cognizant of the point in a criminal investigation that an individual is considered "in custody" and when "Miranda" warnings must be administered to a defendant. "Miranda" bars the admission of any statement elicited from a defendant through custodial questioning in court proceedings, unless the defendant had been warned of certain rights and knowingly, intelligently, and voluntarily waived these rights prior to giving any statement. The purpose of this policy is to outline the guidelines to be used by officers to ensure that all constitutional requirements are met.

100.2.12

FIELD INTERVIEWS: A field interview is a lawful stop of a citizen for investigative purposes. Officers shall document stops for the purposes of identifying a suspect, witness, or victim, or for crime prevention, intelligence gathering, or community relations. The department further expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of officers to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to the building of a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that normally accompanies

A. MAKING THE FIELD CONTACT; CONDUCTING THE INTERVIEW: Officers may make field contacts when they reasonably believe that some investigative inquiry is warranted. The Supreme Court stated, in *Terry v. Ohio*, that an officer "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest."

1. A field interview, therefore, requires voluntary cooperation from the citizen. In the absence of probable cause to arrest the subject, or reasonable suspicion to stop the subject, he/she may discontinue the interview at any time and leave. The subject may also refuse to produce identification or otherwise identify himself/herself. A distinction is drawn herein between a field interview or contact (which is made to resolve an ambiguous situation) a stop (a brief detention of a person because of suspected criminal behavior and based upon reasonable suspicion) and a seizure or arrest (based upon probable cause).
2. Officers must be able to articulate the circumstances that warranted the stop of the citizen. The circumstances constitute the officers' reasonable suspicion. In court, should a field interview result in an arrest, an officer must justify his/her intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable circumstances derive from:
 - a. Firsthand observations;
 - b. Hearsay, as from informants;
 - c. "Collective knowledge" or information shared by several officers (example: An officer may make a stop at the request of another agency without knowing all of the facts which prompted the request.);
 - d. Totality of facts and circumstances. The department encourages officers to question persons whose behavior, conduct, or mere presence at a particular place and time does not match the officer's notion of what is appropriate for the place and time.

B. FIELD INTERVIEWS AND FIELD INTERVIEW REPORTS: Field interviews and Field Interview reports serve as:

1. A source of information: The field inquiry is based on the principle that the opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way an officer can increase his/her skill as an observer is to obtain information from persons living or working within his/her patrol area.
2. A means of identifying a suspect: An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a police officer who stops to question a person who has aroused his/her suspicions. Information obtained during a field contact may also be used at a later date to identify a criminal.
3. A means of obtaining suspects or witnesses: The value of reported field inquiries becomes very pronounced when a crime is committed and there are but a few investigative leads. The investigator must then rely on the field interview reports to sift out useful information. A review of these reports will show if anyone had been questioned in the vicinity at the approximate time of the crime.

C. PLACE OF THE FIELD INTERVIEW: As a general rule, "field interviews" may be conducted anywhere the officer has a right to be, including;

1. Municipally-owned or controlled property normally open to members of the public;
2. Areas intended for public use or normally exposed to public view;
3. Places to which an officer has been admitted with the consent of the person empowered to give such consent;
4. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property;
5. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant;
6. Any other area in which an officer may make a warrantless arrest.